

MARION CONSERVATION COMMISSION

MINUTES OF THE REGULAR MEETING HELD ON December 8, 2021

Members present via

Zoom:

Shaun P. Walsh, Chair (in person at the Marion
Police Station)

Marc Bellanger, Vice Chair

Jeff Doubrava, Member

Ethan Gerber, Member

Emil Assing, Associate Member

Conservation Agent: Doug Guey-Lee (via Zoom)

Admin. Assistant: Terri Santos (in person at the Marion Police Station)

Present via Zoom: Dave Davignon, Mike Silva, George Chamberlain, Jon
Alexander, Jenifer Alexander, Steve Hart.

Meeting convened at 7:00p.m on Wednesday December 8, 2021 at the
Marion Police Station via Zoom and closed to the public. This meeting was
live streamed and video recorded by Old Rochester Community Television
(ORCTV) and audio recorded by the Town of Marion. For any residents
watching the live stream on ORCTV a phone number was provided for any
questions or comments.

HEARINGS/APPOINTMENTS:**7:00pm Continued Public Hearings from November 3, 2021**

John & Pamela A. Lees – Notice of Intent DEP # SE 041-1372, for the
reconstruction of a single-family dwelling, the construction of an in-
ground swimming pool and the repair of a seawall together with associated
site work at 49 Water Street. S. Walsh read the public hearing notice into
record.

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36 M. Bellanger motioned to continue the public hearing at the request of the
37 Applicant to January 12, 2022 at 7:00pm, J. Doubrava seconded; S.
38 Walsh, J. Doubrava, M. Bellanger and E. Gerber voted to continue as
39 motioned.

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41 **Continued Public Hearing – Jonathan & Jennifer Alexander, 24**
42 **Brookhaven Lane (Map 22, Lot 19H)** – Notice of Intent (DEP SE 041-
43 1378) for a proposed house addition and deck expansion. S. Walsh read
44 the legal notice into the record and noted that the Applicant had submitted
45 revised plans. D. Guey-Lee reviewed the e-mail response from the DEP on
46 the river - front area issues and noted that the feedback was shared with
47 the Applicant's representative and the Commission. M. Bellanger
48 expressed concern that somewhere down the road the restored area
49 becomes lawn and suggested relocation of the shed to prevent walking
50 across to get to it. D. Davignon commented that the shed is also a
51 benchmark. S. Walsh suggested a special condition to stake the area and
52 clearly delineate the area of restoration. S. Walsh asked if the Commission
53 and the Public had any other questions and there were none.

54

55 E. Gerber motioned to close the public hearing, J. Doubrava seconded; S.
56 Walsh, J. Doubrava, M. Bellanger and E. Gerber voted to close as
57 motioned.

58

59 **Continued Public Hearing Marion Lands Trust, LLC 371 Wareham**
60 **Street Map 11, Lots 68B and 134 Notice of Intent (DEP SE 041 – 1377)**
61 submitted by Marion Lands Trust, LLC, for a proposed driveway. S. Walsh
62 read the legal notice into the record. S. Walsh explained that there were
63 questions on the wetland line, which was flagged and noted that D.
64 Davignon submitted revised plans with test pits. D. Guey- Lee explained
65 that the revised plan was submitted to show the test pit locations and the

line has not moved. J. Doubrava commented that the test pit locations on the report do not match with the plan. After discussion D. Guey -Lee and Members concluded that there was a typo on the report but decided that the applicant does not need submit a revised copy. S. Walsh asked for questions from the public and there were none.

E. Gerber motioned to close the public hearing J. Doubrava seconded; S. Walsh, J. Doubrava, M. Bellanger and E. Gerber voted to approve as motioned.

7:10 Public Hearing Samuel C. and Theresa A. Barrington, 28 West Drive, Map 6 Lot22 – Request for Determination of Applicability for a proposed septic system repair and drainage improvements. S. Walsh read the legal notice into the record. D. Davignon reviewed the project and noted that it is very large site with various flood zones. S. Walsh commented that one of the things the Commission looked at was the location of the trench used to capture run-off from the driveway and if it was sized for any rain event. D. Davignon commented that this is the biggest unit he could buy for residential use and had to put in that location because grading among other reasons. D. Guey – Lee commented it is tough to make a storm water calculation because of the constraints of the lot and left it to the Commission if they wanted more information from the applicant. M. Bellanger questioned if there was a way to get additional calculations. D. Davignon commented that he could provide to the Commission but there really was not a better alternative. S. Walsh asked if there were questions from the public and there were none.

J. Doubrava motioned to close the public hearing, E. Gerber seconded; S. Walsh, J. Doubrava, M. Bellanger and E. Gerber voted to close as motioned.

97 **7:20 pm The Allen's Point Road Realty Trust, 95 Allen's Point Road,**
98 **Map 6, Lot 42C** for a proposed leaching area & cellar drain. S. Walsh
99 read the legal notice into the record. D. Davignon presented an overview
100 of the project. S. Walsh asked if there were questions from the
101 Commission and there were none. D. Guey-Lee asked if there was a
102 provision on the plan to reseed. D. Davignon explained that they would
103 reseed similar as to how it is now. D. Davignon noted that they are exploring
104 moving the leaching field to the inside of the circular the driveway. S.
105 Walsh asked for comments from the public and there were none.

106

107 J. Doubrava motioned to close the public hearing, M. Bellanger seconded;
108 S. Walsh, J. Doubrava, M. Bellanger and E. Gerber voted to close as
109 motioned.

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111 **ACTION ITEMS:**

112 Certificate of Compliance – David Croll, 10 Lewis Street, DEP File # SE 41-
113 1084. M. Bellanger motioned to issue the Certificate of Compliance,
114 seconded by J. Doubrava; S. Walsh, J. Doubrava, M. Bellanger and E.
115 Gerber voted to approve as motioned.

116

117 Certificate of Compliance – Jeffrey J. Doubrava, 47 East Avenue, DEP File
118 # 41-1063. M. Bellanger motioned to issue the Certificate of Compliance,
119 seconded by E. Gerber; S. Walsh, M. Bellanger and E. Gerber voted to
120 approve as motioned. NOTE: J. Doubrava Recused

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122 Request for Extension Permit – Kittansett Golf Club, Inc., 11 Point Road
123 DEP File # 41-1271 WITHDRAWN

124

125 Certificate of Compliance – John Whitmore, 51 East Avenue, DEP File #
126 41-939. M. Bellanger motioned to issue the Certificate of Compliance,

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127 seconded by E. Gerber; S. Walsh, M. Bellanger and E. Gerber voted to
128 approve as motioned. NOTE: J. Doubrava Recused

129

130 Comments to the ZBA – Dustin McGlinn, 176 Wareham Street – No
131 jurisdiction.

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133 Comments the ZBA – Mark Mackenzie, 3/12 Taunton Avenue – Is in
134 jurisdiction but no work is proposed.

135

136 Review 2022 Meeting Schedule – no comments

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138 **BILLS:**

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140 Motion made by J. Doubrava to approve the invoice for Sabatia in the
141 amount of \$3,000 for Paliotta Peer Review, seconded by M. Bellanger; S.
142 Walsh, J. Doubrava, M. Bellanger and E. Gerber voted to approve as
143 motioned.

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145 Motion made by J. Doubrava to approve the invoice for Verizon in the
146 amount of \$30.00 for the I – Pad data plan, seconded by M. Bellanger; S.
147 Walsh, J. Doubrava, M. Bellanger and E. Gerber voted to approve as
148 motioned.

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150 Motion made by J. Doubrava to approve the invoice for MACC Seminar
151 attendance in the amount of \$55.00, seconded by E. Gerber; S. Walsh, J.
152 Doubrava, M. Bellanger and E. Gerber voted to approve as motioned.

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154 **CORRESPONDENCE:** Massachusetts Association of Conservation
155 Commission Notice of Dues Increase FY 23 – no discussion.

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APPROVAL OF MINUTES: Motion made by J. Doubrava to approve the minutes of November 17, 2021, seconded by M. Bellanger; S. Walsh, J. Doubrava, M. Bellanger and E. Gerber voted to approve as motioned.

ISSUANCES:

S. Walsh motioned to issue a Request for Determination of Applicability for The 95 Allen's Point Trust, 95 Point Road - negative Box 3, seconded by E. Gerber; S. Walsh, J. Doubrava, M. Bellanger and E. Gerber voted to approve as motioned.

M. Bellanger motioned to issue an Order of Conditions for Samuel C. & Theresa A. Barrington, 28 West Drive Notice of Intent DEP SE 041-1379, seconded by J. Doubrava; S. Walsh, J. Doubrava, M. Bellanger and E. Gerber voted to approve as motioned.

E. Gerber motioned to issue an Order of Conditions for Marion Lands Trust, LLC, 371 Wareham Street, Notice of Intent DEP SE 041-1377, seconded by M. Bellanger; S. Walsh, J. Doubrava, M. Bellanger and E. Gerber voted to approve as motioned.

S. Walsh motioned to issue an Order of Conditions for Jonathan & Jennifer Alexander, 24 Brook Haven Lane Notice of Intent DEP SE 041-1378, seconded by J. Doubrava; S. Walsh, J. Doubrava, M. Bellanger and E. Gerber voted to approve as motioned.

Motion made by E. Gerber to adjourn at 9:30pm, seconded by M. Bellanger; J. Doubrava, C. Callow, S. Walsh, M. Bellanger voted to approve as motioned.

Submitted by Terri Santos, Administrative Assistant

Approved: 12/22/2021

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RCVD MARION TOWN CLEF
2022 MAR 11 PM2:01